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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JUANITTA DARLYNN,

Case No.: 2:17-cv-02800-JAD-VCF

Plaintiff,

V.

ECF No. 66

DEPARTMENT OF THE AIR FORCE, ET. AL.,

Defendants.

STIPULATION AND ORDER TO EXTEND STAY
(Ninth Request)

Plaintiff, Juaniita Darlynn (hereafter, "Plaintiff"), and Defendant, Department of the Air Force, et al. (hereafter, "Defendant"), by and through their respective counsel, stipulate and agree as follows:

1. Plaintiff has an open workers compensation case and in connection therewith requested an Independent Medical Examination (IME) on August 20, 2020. The insurer never responded to Plaintiff's request for an IME and on September 25, 2020, Plaintiff filed an appeal of the defacto denial of the request for an IME. That appeal was set for a hearing on February 23, 2021, and at the hearing, the Hearing Officer ordered the workers compensation insurer to approve and schedule the IME. The Order relating to that hearing was dated March 10, 2021.



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2. On May 18, 2021, Plaintiff sent the insurer another request for an IME with Dr. Thomas Shang. The insurer never responded to Plaintiff's request for that IME and on June 22, 2021, Plaintiff filed an appeal of the defacto denial of the request for an IME. That appeal was originally set to be heard by a Hearing Officer on September 28, 2021, but the parties stipulated to waive the hearing before the Hearing Officer level and proceed directly to the Appeals Officer level. The Appeals Officer hearing was originally set for November 8, 2021 but was reset to March 29, 2022. The parties agreed to resolve that matter by having the employer's counsel stipulate to Plaintiff undergoing a Permanent Partial Disability evaluation (hereafter "PPD") during which she would be evaluated, and her injuries apportioned. On August 23, 2022, Jess L. Askeroth, D.C. performed that impairment rating and issued his report. A copy of that report was provided to Troy K. Flake, Esq, counsel for the United States, on August 29, 2022. Mr. Flake reviewed the report and settlement negotiations are ongoing. As Plaintiff's worker's compensation claim just recently concluded, Plaintiff's counsel is working to obtain subrogation information from the worker's compensation carrier to evaluate settlement.
 3. To allow the parties to continue negotiations and to determine whether the matter will be resolved without future litigation, the parties hereto have agreed to extend the stay regarding this matter an additional 180 days (until June 6, 2023).

1 This is the Ninth request to extend the stay in this matter and the extension is not
2 requested for the purpose of delay or to cause undue prejudice to any party.

3 DATED this 5th day of December, 2022.

4 DATED this 5th day of December, 2022.

5 **GGRM LAW FIRM**

6 */s/ Dillon G. Coil*

7 */s/ Troy K. Flake*

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14 *Attorneys for Plaintiff*

15 **TROY K. FLAKE, ESQ.**

16 Assistant United States Attorney

17 501 Las Vegas Boulevard South, Suite 1100

18 Las Vegas, Nevada 89101

19 *Attorney for the United States*

20 **IT IS SO ORDERED.** The STAY is extended until June 6, 2023.

21 DATED: 12/6/22

22 
U.S. DISTRICT COURT JUDGE

23 NEVADA'S PREMIER INJURY
24 LAW FIRM

